

**Board of Parole Hearings
Executive Board Meeting
Monday, July 14, 2014**

Meeting called to order at 1:05 p.m.

CONSENT CALENDAR

Roll Call: Commissioners Anderson, Garner, Guerrero, Fritz, Labahn, Montes, Richardson, Singh, Turner and Zarrinam present. Commissioners Peck and Roberts absent

Commissioner Zarrinam moved to approve the minutes of the May and June, 2014 meetings. Commissioner Montes seconded the motion, which was carried unanimously.

REPORTS AND PRESENTATIONS

Report from Executive Officer, Jennifer Shaffer

SHAFFER stated that expedited hearings will start on January 1, 2015 and that documents, including hearing packets, will be submitted electronically. SHAFFER stated that she had participated in the California District Attorneys Association's Summer Conference with Chief Counsel HOWARD MOSELEY on June 23, 2014.

Hearings resulting from the orders made by the Three-judge Panel and in the *Coleman* case are also starting. The first hearing under the expanded medical parole program will take place on August 13, 2014, at the California Medical Facility.

Report from Chief Counsel, Howard Moseley

MOSELEY introduced Staff Attorney PATRICK RIORDAN, who gave a presentation on Proposed Administrative Directive 2014-03 Regarding Hearing Exhibits. RIORDAN stated that the purpose of the directive is to formalize the process for accepting exhibits submitted at parole consideration hearings. The proposed directive defines an exhibit as a document, photograph, or recording accepted for the panel's consideration by its presiding commissioner, that is not already contained in the inmate's central file. The process will comprise the following stages: identifying and marking the exhibits; completing an exhibit list; and preserving the exhibits for inclusion in the central file. The Board will obtain exhibit labels for use at hearings.

SHAFFER stated that the purpose of presenting directives in draft form is to provide stakeholders with the opportunity to submit comments before the next meeting, when the Board will vote on the proposed directive.

MOSELEY described the changes to the legal division's notification practices where a panel's decision is modified during the decision review process. The changes arise from a direction made by Executive Officer SHAFFER at a previous meeting. California Code of Regulations section 2042 states that one of the purposes of the decision review process is to assure complete, accurate, consistent and uniform decisions. A notice of modification will now be sent to the inmate, the inmate's attorney, the district attorney, and all registered victims. The notice will be sent within 30 days of the modification. If a case is referred *en banc*, existing notice procedures will continue to apply.

Report from Chief Deputy of Program Operations, Sandra Maciel

MACIEL gave an update on the orientation for attorneys appointed to the mentally disordered offenders panels. Seven active attorneys participated in the training on June 27, 2014 in Ventura. Training for lifer attorneys will take place on October 6, 2014 in Northern California and on October 13, 2014 in Southern California.

Report from Chief Deputy of Field Operations, Rhonda Skipper-Dotta

SKIPPER-DOTTA stated that since 2011, the Board has been working to change the civil service classification of deputy commissioners to administrative law judge. A work study in 2012 found a significant correlation between the duties of deputy commissioners and those of administrative law judges. The California Department of Human Resources is currently preparing the necessary documentation and it is anticipated that the Board will be in a position to effect the change in about 45 days. SKIPPER-DOTTA thanked all members of staff who contributed to the process.

DISCUSSION ITEMS

Commissioner ANDERSON stated that discussion of the proposed *Butler* regulations would not take place today.

Staff Attorney KARA HOUSTON presented Administrative Directive 2014-02, Requirements for Substitution of Counsel. She stated that there are no changes to the directive from the version presented to the Board at the June, 2014 meeting.

Commissioner SINGH moved to accept the directive and was seconded by Commissioner LABAHN. The motion carried unanimously.

MOSELEY stated that discussion of the proposed *Butler* regulations has been postponed to the August, 2014 meeting. The Board has already received feedback on the regulations and MOSELEY invited further comments. He reminded stakeholders that the Board must post the

agenda no later than 10 days before the meeting. Therefore, comments on the proposed regulations should be submitted as soon as possible.

PUBLIC COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern about the use of confidential information at hearings. She stated that some inmates have not received the CDC-810 notification of confidential information. Inmates have found the inexperience of some newly-appointed attorneys to be unsatisfactory. Some attorneys have failed to meet with inmates in a timely manner and have been poorly prepared. NELSON-SLOANE stated that inmates have found that documents are missing from their central files. They have also encountered difficulties in obtaining information from their correctional counselors. NELSON-SLOANE stated that the conversion of institutional yards to sensitive needs yards has caused difficulties for some inmates. Inmates sometimes choose to remain on a sensitive needs yard to continue programming, rather than because of sensitive needs issues. She cautioned against stigmatizing inmates because they are on a sensitive needs yard.

CHRISTINE WARD, Crime Victims Action Alliance, welcomed the new procedures relating to notification of decision modifications. She requested that victims groups be invited to make presentations at Board meetings.

Meeting recessed at 1:32 p.m., to reconvene at 10:00 a.m. on Tuesday, July 15, 2014

**Board of Parole Hearings
Executive Board Meeting
Tuesday, July 15, 2014**

Meeting called to order at 10:08 a.m.

Roll Call: Commissioners Anderson, Garner, Guerrero, Fritz, Labahn, Montes, Peck, Richardson, Roberts, Singh, Turner and Zarrinam present.

EN BANC REFERRALS

Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation for recall of sentence

A. FRANCO, HUMBERTO D-26118

No speakers

Referral by Chief Counsel pursuant to California Code of Regulations title 15 section 2042

B. BOLLING, RONALD H-36413

No speakers

C. HANCOCK, CARL H-43946

BRIAN HANCOCK, inmate's brother, supported the grant of parole.

D. HERNANDEZ, JESSE C-86754

No speakers

E. NEPOMUCENO, CHRIS H-71614

No speakers

F. NOFFSINGER, JAMES D-64392

No speakers

G. PANAMENO, JUAN T-52569

No speakers

Referral by the Governor pursuant to Penal Code section 3041.1

H. HERNANDEZ, PETE

E-78406

No speakers

OPEN COMMENTS

VANESSA NELSON-SLOANE, Life Support Alliance, expressed concern about lifer parolees who have suffered debilitating medical conditions shortly after their release. Some of the conditions have proved fatal. She attributed the conditions to the stress of being released from prison after long-term incarceration. NELSON-SLOANE recommended that, during the decision review period, inmates who are granted parole attend reentry awareness programs. Life Support Alliance has been working with the Department of Rehabilitative Services to establish such programs and NELSON-SLOANE requested the Board's support.

Meeting adjourned at 10:16 a.m.

Board of Parole Hearings

Scheduled and Backlog Hearings Report

Penal Code section 3041(d)

August, 2014

